



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,540	12/08/2003	Ciprian Agapi	N0484.70569US00	1500
23628 7590 09/07/2010 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
SHAH, PARAS D				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
09/07/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,540

Applicant(s)

AGAPI ET AL.

Examiner

PARAS SHAH

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Change of Examiner

1. It should be noted that the Examiner of record has changed from James Wozniak to Paras Shah.

Response to Amendment

2. In response to the office action from 04/13/2010, the applicant has submitted Amendments and Arguments, filed 7/13/2010, amending independent claims 1 and 11, while arguing to traverse the art rejection based on the limitation regarding the claimed recordation plan (*Amendment, Pages 2 and 4*). Applicant's arguments have been fully considered, however the previous rejection is maintained due to the reasons listed below in the response to arguments.

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive for the following reasons:

With respect to claims 1 and 11, the Applicant argues that the "extracted text from the parser is nowhere disclosed as being saved to a file in association with file names under which the recorded audio and then provided to the speaker for recording. The Examiner respectfully disagrees with this assertion. The current applied reference of Busayapongchai does teach this assertion. Specifically, the reference describes the identification of each instance of text by the parser (see [0029] and [0021]). The identified audio tags are associated with an audio file by the recording manager. These audio files that are looked up and are stored in an audio library (see [0017]). Hence, the audio library contains audio files for the respective segments and is extracted

based on a match with the parsed information. Further, it should be noted that the extracted text is not being saved as asserted by the Applicant. Rather, the claim describes the storing of files that have been recorded by the speaker and associated text. Busayapongchai teaches this part of the limitation. In paragraph [0039], the recording is performed manually. Once the manual process is completed, a file is generated, and an audio file name is associated with the audio files. This audio file contains a file name and text, see as an example in bullets under paragraph [0037], where the file name and the audio output are the same. Such file is stored in order to play back a specific phrase as described in paragraph [0035].

Furthermore, the Applicant argues that Busayapongchai does not specifically disclose “providing the recordation plan to speaker for recording of each planned audio segment for the speech application.” The Examiner respectfully disagrees with this assertion. A recordation plan is provided to the speaker. This is specifically described in [0036] and [0039]. In this section, the audio files that have been retrieved for the parsed text are presented to the developer for review. The developer listens and evaluates the audio files. The developer can perform a manual process if determination is made that the audio files are not satisfactory. Hence, the developer records a new file that is satisfactory. In paragraph [0021], manual verification of recordings is performed to create a desired audio file. When no combination of file segments is found, new recording references are created for the desired audio. Hence, the parsed text and the preliminary retrieved audio files serve as a recordation plan for future manual recording. Hence, the Applicant’s arguments are not persuasive.

The rejections with respect to claims dependent upon claims 1 and 11 are rejected for similar reasons as mentioned above.

The 35 USC 101 rejections have been withdrawn as a result of the amendment.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 4-7, 10-11, 14-17, and 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Busayapongchai et al (*U.S. PG Publication: 2004/0254792*).

With respect to **Claim 1**, Busayapongchai discloses:

At least one computer coupled to a computer readable storage to execute instructions that when executed perform (*computer program implementation that is executed by a personal computer, Paragraph 0023; and computer access of computer-readable storage for program execution, Paragraphs 0024-0025*):

identifying each instance of text in the speech application program, that indicates content of planned audio segments for the speech application program and identifying each associated file name for files storing actual audio segments after the respective planned audio segments have been recorded (*identifying audio text in a VoiceXML script, referencing recordable text and associated file naming descriptors, Paragraphs 0021, 0028-0031; and recorded file naming, Paragraphs 0036-0039*);

extracting each identified instance of text and the associated filenames from the speech application program (*parser extracting text strings and file naming descriptors from VoiceXML scripts, Paragraphs 0029-0031*);

creating a recordation plan to assist a speaker in recording the planned audio segments, the recordation plan comprising a file that stores, in association, each identified text indicating the content of the planned audio segments and the corresponding file names for files to store actual audio segments recorded by the speaker uttering the content of the respective planned audio segments (*recording manager that passes extracted text strings to a voice talent for manual recording, wherein the information includes file name information Paragraphs 0031 and 0036-0039*) such that the recordation plan comprises the text for every planned audio segment for the speech application program and the associated filenames (see [0029], where audio text from the parsed information is used to determine preliminary audio files for review for the desired audio segment (see [0021])); and

providing the recordation plan to a speaker for recording of each planned audio segment for the speech application program (see [0036] and [0039], audio files that have been retrieved for the parsed text are presented to the developer for review and see [0021], where speaker records for each audio segment in the desired audio).

With respect to **Claim 4**, Busayapongchai further discloses the creation of a new filename which includes newly and previously created audio data (*Paragraphs 0036-0039*).

With respect to **Claim 5**, Busayapongchai discloses the population of the new filename into the VoiceXML script (*Paragraph 0036*).

With respect to **Claim 6**, Busayapongchai further recites:

Determining if a given extracted text audio segment contains more than one sentence (determining VoiceXML script comprising multiple sentences through parsing processing *Paragraphs 0002-0003; and 0029-0031*); and

Separating the given extracted text into two or more separate text segments such that each of the two or more separate text segments includes no more than one sentence segments to obtain audio segments containing only one sentence of audio text, if the given extracted audio segments contain segments contain more than one sentence of audio-text (*parsing (i.e., dividing), the VoiceXML script into separate portions or sentences, Paragraphs 0029-0031*).

With respect to **Claim 7**, Busayapongchai further discloses:

Processing the extracted audio segments further includes sorting the extracted audio segments (*ordering text sequences for recording, Paragraph 0032*).

With respect to **Claim 10**, Busayapongchai discloses the VoiceXML script as applied to Claim 1.

With respect to **Claim 11**, Busayapongchai discloses the method performed by the computer system, as applied to claim 1, implemented as a program stored on a non-transitory computer readable medium (*Paragraphs 0023-0026*).

Claims 14-17 contain subject matter respectively similar to Claims 4-7, and thus, are rejected under similar rationale.

Claim 20 contains subject matter similar to Claim 10, and thus, is rejected under similar rationale.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-3 and 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Busayapongchai et al in view of Ladd et al (*U.S. Patent: 6,269,336*).

With respect to **Claim 2**, Busayapongchai discloses the computer system for extracting and producing audio text for recording as applied to Claim 1. Busayapongchai does not specifically suggest identifying text associated with a pause, creating a silence file associated with the identified pause, and modifying an audio file referenced by the text containing the pause information. Ladd, however, recites the ability to process a “break” element in VoiceXML script to divide audio text scripts, insert a predefined length of audio silence, and divide audio prompts (*Col. 29, Line 58- Col. 30, Line 26*).

Busayapongchai and Ladd are analogous art because they are from a similar field of endeavor in VoiceXML processing systems. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Busayapongchai with the break element taught by Ladd in order to configure and add natural speaking characteristics to a VoiceXML page (*Ladd, Col. 16, Lines 11-20*).

With respect to **Claim 3**, Ladd further discloses:

Determining if the pause is indicated as being inserted within a planned audio segment (*identifying a break element, Col. 29, Line 58- Col. 30, Line 26*); and

Separating the text into separate text segments separated by the pause if the pause is indicated as being inserted within the planned audio segment (*break element is inserted between two segments of audio text, Col. 29, Line 58- Col. 30, Line 26*).

Claims 12-13 contain subject matter respectively similar to Claims 2-3, and thus, are rejected under similar rationale.

8. **Claims 8 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Busayapongchai et al in view of Wen et al (*U.S. Patent: 6,341,959*).

With respect to **Claim 8**, Busayapongchai discloses the method for extracting and producing audio text for recording as applied to Claim 1. Busayapongchai also recites VoiceXML script comprising multiple sentences (*Paragraphs 0002-0003; and 0029*). Busayapongchai does not specifically suggest modifying multiple text segments to obtain only a single text segment, while deleting the other segment, if extracted audio segments contain more than one sentence, however, Wen recites the ability to detect and delete a repeated sentence, thus obtaining a single instance of that sentence (*Col. 3, Lines 64-65*).

Busayapongchai and Wen are analogous art because they are from a similar field of endeavor in language user interfaces. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Busayapongchai with the repeated sentence detection means taught by Wen in order to save storage space in the VoiceXML system taught by Busayapongchai (*Wen, Col. 3, Lines 64-65*).

Claim 18 contains subject matter respectively similar to Claim 8, and thus, are rejected under similar rationale.

9. **Claims 9 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Busayapongchai et al in view of Ladd et al, and further in view of Heinze et al (*U.S. Patent: 6,915,254*).

With respect to **Claim 9**, Busayapongchai in view of Ladd discloses the method for extracting and producing audio text as applied to Claim 1. Ladd teaches:

Identifying text indicating a variable in the extracted audio segments (*"option" element in VoiceXML that defines multiple variable prompts, Col. 27, Line 53- Col. 29, Line 35*);

Determining if the variable has an associated text file containing variable values (*"option" element contains multiple segments of audio text, Col. 29, Lines 5-35*);

Creating a variable audio segment for each said variable value, if the variable has an associated text file (*audio prompt that is provided for each variable instance in the "option" element, Col. 29, Lines 5-35*); and

Modifying the audio segment containing the text indicating the variable (*"option" element is divided using separate script tags for each variable, Col. 29, Lines 5-35*).

Ladd further recites that the variables within the option elements are nouns or open class words (*Col. 29, Lines 5-35*). Ladd provides the benefit of configuring and adding natural speaking characteristics to a VoiceXML page (*Ladd, Col. 16, Lines 11-20*). Busayapongchai in view of Ladd does not specifically teach performing text parsing by dividing text at a closed class word, wherein a first audio text ends with a non-closed class word preceding the variable. Such a parsing principle, however, is well known in text processing, as is evidenced by Heinze. Heinze discloses breaking text at closed class words (*i.e., articles, prepositions, pronouns, etc.*)

(Col. 11, Lines 45-47; and Col. 19, Line 64- Col. 20, Line 12). Thus, in the case of Heinze, the word preceding the closed-class word and ending the first segment would be non-closed class and would precede the variable, which are nouns (*i.e., open class words*) in the case of Ladd.

Busayapongchai, Ladd, and Heinze are analogous art because they are from a similar field of endeavor in text file processing systems. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Busayapongchai in view of Ladd with the parsing scheme taught by Heinze in order to provide natural language structure understanding in a script (*Heinze, Col. 4, Lines 33-37*).

Claim 19 contains subject matter similar to Claim 9, and thus, is rejected under similar rationale.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PARAS SHAH whose telephone number is (571)270-1650/7632. The examiner can normally be reached on MON.-THURS. 7:30a.m.-4:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wozniak can be reached at (571) 272-7632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paras Shah/
Examiner, Art Unit 2626

09/02/2010

/James S. Wozniak/
Supervisory Patent Examiner, Art Unit 2626